PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent appln. of: Thomas Welsh et al.

Serial No.: 09/935,926

Filed: August 23, 2001

For: **LINEAR COMPRESSION LATCH**

Examiner: Thomas Y. Ho

Art Unit: 3677

Att'y Docket: 195-01

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Dated: February 13, 2004

Mail Stop Non-Fee Amendment
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RESPONSE

Dear Sir:

This is in response to the Examiner's Action dated October 10, 2003 setting a three-month shortened statutory period for response. A petition for a two-month extension of time for response accompanies this Response. This response is being filed on February 13, 2004, within the extended statutory period.

Claims 3, and 5-8 are pending in the present application.

In response to the appeal brief filed on July 23, 2003, the Examiner reopened prosecution and entered non-final rejections on new grounds. The Examiner stated that appellant had the option of either filing a reply to the new rejections or requesting reinstatement of the appeal and submitting a supplemental appeal brief. Appellant is responding to the new rejections by filing this reply.

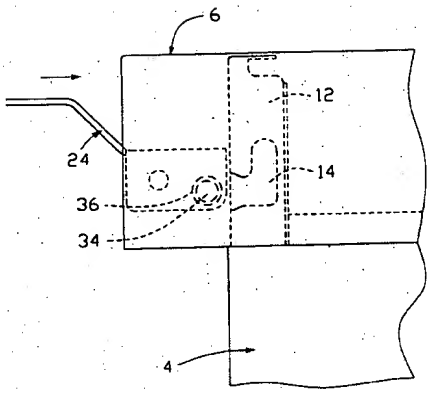
Claims 3, 5, 6, and 8 stand rejected under 35 U.S.C. § 102(3) as being anticipated by U.S. Patent 6,362,975 ("Liu"). This rejection is respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner states as to claim 8, Liu discloses a linear compression latch comprising: a housing 6; a lever handle 24 rotatable by an operator between a first position (see Figure 5) and a second position (see Figure 7), the lever handle 24 being mounted in the housing 6; a pawl 34/36 mounted for substantially linear motion, the pawl 34/36 being actuated by rotation of the lever handle 24 and traveling substantially linearly between an open position (see Figure 5) to a closed position (see Figure 7) as the lever handle 24 is rotated between the first position to the second position; wherein the pawl 34/36 is mounted to travel between the open position (see Figure 5) along a first path (arrow in Figure 5) and an intermediate position (see Figure 6); and wherein the pawl 34/36 is mounted to travel in a second path (compare Figure 6 and 7) in a direction substantially perpendicular to the first path between the intermediate position (see Figure 6) and the closed position (see Figure 7).

Applicants respectfully contend that the Examiner does not correctly explain the operation of Liu's latch, and that Liu does not anticipate the presently claimed invention.

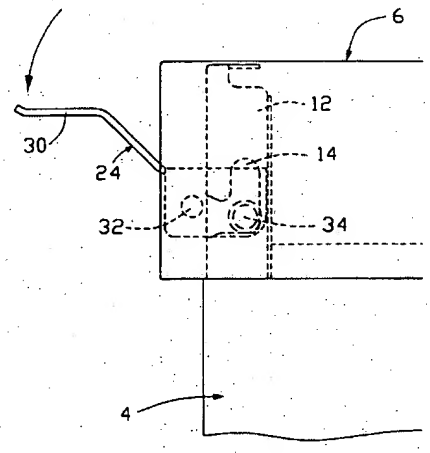
In fact, what occurs is that Liu's hood 6 is positioned on the chassis 4 with the caps 36 of the latch 24 extending through the notches 16 (shown in Fig. 1) of the chassis 4 (column 2, lines 53-55). First, the hood 6 is moved downward over the chassis 4 as shown in Figure 4, so that the protrusions 34 and the pivots 32 are aligned with the entry sections of the L-shaped slots 14, as shown in Figure 5.

Liu Figure 5:



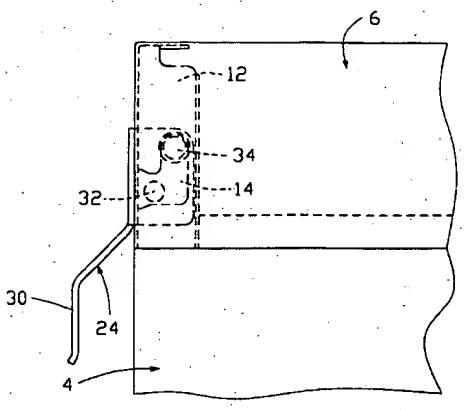
Then, the hood 6 is pushed forward on top of the chassis 4, as shown by the arrow in Figure 5, so that the protrusions 34 of the latches 24 are moved into the straight entry sections of the L-shaped slots 14 of the bent tabs 12 of the chassis 4 (column 2, lines 56-58), resulting in the protrusions 34 resting in the corner of the L-shaped slots 14, as shown in Figure 6.

Liu Figure 6:



Then, the actuating arms 30 of the latches 24 are rotated to make the latches 24 pivot about the pivots 32 of the latches 24 and force the protrusions 34 into the locking sections of the L-shaped slots 14 of the bent tabs 12 of the chassis 4 (column 2, lines 58-62), such as indicated by the counterclockwise arrow in Figure 6, to give the locked configuration shown in Figure 7.

Liu Figure 7:



Claim 8 requires that the pawl travel substantially linearly between an open position and a closed position as the lever handle is rotated between a first position and a second position. The effect of rotating Liu's actuating arms 30 of the latches 24 is shown by comparison of Figures 6 and 7. The effect is to cause the protrusions 34 to move along one leg of the L-shaped slots. However, claim 8 further requires that the pawl be mounted to travel between the open position and an intermediate position along a first path, and between the intermediate position to the closed position along a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position. As Liu's actuating arm 30 is rotated, the protrusion 34 moves along a single path from the bottom to the top of a single leg of the L-shaped slot 14. There is no intermediate position dividing this path into a first path and a second path substantially perpendicular to the first path. Liu's protrusion 34 moves along the first leg of the L-shaped slot when the hood is pushed over the chassis (Figures 5 and 6). This occurs before the actuating arm 30 is rotated. As Liu fails to identically disclose each element of applicants' invention as claimed in independent claim 8, Liu cannot and does not anticipate claim 8.

The Examiner further states that as to claim 3, Liu discloses the first path is linear. However, claim 3 depends from independent claim 8. Liu fails to meet all the limitations of claim 8, and thus must necessarily fail to meet dependent claim 3.

Similarly, the Examiner states that as to claim 5, Liu discloses the second path is linear. Claim 3 depends from independent claim 8. Nevertheless, Liu fails to meet all the limitations of claim 8, and thus must necessarily fail to meet dependent claim 5.

The Examiner also states that as to claim 6, Liu discloses a carriage 4, the carriage 4 being mounted for linear motion within the housing 6, the pawl 34/36 being mounted within the carriage (see Figures 6-7; the pawl 34/36 is mounted in the portion 12 of carriage 4).

Applicants respectfully point out that Liu does not meet the limitations of claim 6. First, the chassis 4 is not mounted for linear motion, but is stationary. On the contrary, it is the hood 6 that moves with respect to the stationary chassis 4, as shown in Figures 5, 6 and 7. Further, since claim 6 ultimately depends from claim 8, and since Liu does not meet all the requirements of claim 8, Liu cannot anticipate applicants' invention as claimed by dependent claim 6.

Consequently, applicants respectfully request reconsideration and withdrawal of the rejection entered over Liu with respect to claims 8, 3, 5 and 6.

Applicants' presently claimed invention is also unobvious over Liu. There was nothing in Liu to suggest applicants' presently claimed invention at the time the invention was made to one of ordinary skill in the art. There is nothing in Liu to motivate one of ordinary skill in the art to modify Liu to realize the presently claimed invention. If Liu's actuators 24 are rotated when the hood 6 and chassis 4 are in the relative position shown in Figure 5, the actuators 24 will not engage the L-shaped slots 14. There does not appear to be any way to modify Liu to achieve applicants' presently claimed invention.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of U.S. Patent 5,039,143 ("Ramsauer"). This rejection is also respectfully traversed, and

reconsideration and withdrawal of the rejection are respectfully requested as applicable to the amended claims.

The Examiner states that as to claim 7, Liu discloses connection means for connecting the lever handle 24 and the pawl 34/36. The Examiner further states that the difference between the claims and Liu is the claims recite a means for rotatably connecting the lever handle and the pawl.

The Examiner states that Ramsauer discloses a latching mechanism with a pin engaging a keeper similar to that of Liu. The Examiner further states that in addition, Ramsauer teaches that the pins are roll pins (column 2, lines 15-25; column 3, lines 30-45) that are rotatably held on the side of a bar.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art, having the disclosures of Liu and Ramsauer before him at the time the invention was made, to modify the pawl 34/36 (which is a pin) of Liu to be a rotatably mounted roller, as in Ramsauer, to obtain a pawl rotatably connected to the lever handle (the pawl being the sleeve).

The Examiner states that one would have been motivated to make such a combination because extremely smooth running with low-warping would have been obtained, as taught by Ramsauer (column 2, lines 15-25).

The Examiner's conclusion is not correct. Even if the combination were made as suggested by the Examiner, the combination would fail to meet all the limitations of claim 7, as claim 7 ultimately depends from independent claim 8, and, as explained above, Liu does not meet the limitations of claim 8. The combination suggested by the Examiner does not remedy the failure to meet the requirement that the pawl travel along two, substantially perpendicular paths as the lever handle is rotated. Consequently, the combination of Liu and Ramsauer does not establish a prima facie case of obviousness. Reconsideration and withdrawal of the

rejection of claim 7 entered over the combination of Liu and Ramsauer pursuant to 35 U.S.C. 103(a) are respectfully requested for this reason.

As the application is now believed to be in condition for allowance, early favorable action and an early notice of allowance are respectfully requested.

Respectfully submitted,

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